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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,527	04/13/2006	Akihisa Inoue	52667	5338
38834 7590 10/07/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER SHEEHAN, JOHN P				
ART UNIT 1793		PAPER NUMBER		
MAIL DATE 10/07/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,527

Applicant(s)

INOUE ET AL.

Examiner

John P. Sheehan

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1, 3, 4 and 6 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 and 3, drawn to a bulk alloy soft magnetic material of metallic glass, comprising;

a Fe-based metallic glass alloy prepared by sintering, in a temperature range of 573 K to the crystallization temperature (T_x), spherical particles of Fe-based metallic glass alloy prepared by an atomizing process, the spherical particles having a particle size of 30 to 125 μm ; a composition of, by atomic %, 0.5 to 10 % of Ga, 7 to 15 % of P, 3 to 7 % of C, 3 to 7 % of B and 1 to 7 % of Si, with the remainder being Fe; a crystallization temperature (T_x) of 770 to 800 K; and a liquidus temperature (T_l) of 1220 to 1300 K,

wherein the Fe-based sintered alloy soft magnetic material has metallic glass phase of high-density with a relative density of 99.0 % or more, a magnetic permeability of 3900 (μ_{max}) or more, a coercive force (H_c) of 19 (A/m) or less and a specific resistance of 1.6 $\mu\Omega\text{m}$ or more in an as-sintered state,

wherein the Fe-based sintered alloy soft magnetic material has a temperature interval of a supercooled liquid region (ΔT_x) of 25 K or more, as expressed by a formula: $\Delta T_x = T_x - T_g$, wherein T_x is a crystallization temperature, and T_g is a glass transition temperature; and a reduced glass transition temperature of 0.59 or more, as expressed by a formula: T_g/T_l , wherein T_g is a glass transition temperature, and T_l is a liquidus temperature.

Group II, claim(s) 4 and 6, drawn to a method of producing Fe-based sintered alloy soft magnetic material, comprising:

preparing molten alloy having a composition consisting of, by atomic %, 0.5 to 10 % of Ga, 7 to 15 % of P, 3 to 7 % of C, 3 to 7 % of B and 1 to 7 % of Si, with the remainder being Fe;

dropping or ejecting said molten alloy from a nozzle; and

spraying high-speed gas to droplets of said molten alloy to rapidly solidify said droplets to obtain a Fe-based metallic glass alloy particle having an amorphous phase and a maximum particle size of 30 to 125 μm , thereby obtaining a plurality of spherical particles of Fe-based metallic glass alloy; and

sintering said spherical particles by a spark plasma sintering process under the conditions that: a heating rate is set at 40 K/min or more; a sintering temperature (T) is set at 573 K or more and within a temperature range satisfying a relationship of $T \geq T_x$, wherein T_x is a crystallization temperature; and a sintering pressure is set at 200 MPa or more.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

In the Group I invention the special technical feature is a Fe-based sintered alloy soft magnetic material has metallic glass phase of high-density with a relative density of 99.0 % or more, a magnetic permeability of 3900 (μ_{max}) or more, a coercive force (H_c) of 19 (A/m) or less and a specific resistance of 1.6 $\mu\Omega\text{m}$ or more in an as-sintered state,

wherein the Fe-based sintered alloy soft magnetic material has a temperature interval of a supercooled liquid region (ΔT_x) of 25 K or more, as expressed by a formula: $\Delta T_x = T_x - T_g$, wherein T_x is a crystallization temperature, and T_g is a glass transition temperature; and a reduced glass transition temperature of 0.59 or more, as expressed by a formula: T_g/T_l , wherein T_g is a glass transition temperature, and T_l is a liquidus temperature.

In the Group II invention, on the other hand, the special technical feature is the combination of the process steps of spraying high-speed gas to droplets of the molten alloy to rapidly solidify said droplets to obtain a Fe-based metallic glass alloy particle having an amorphous phase and a maximum particle size of 30 to 125 μm , thereby obtaining a plurality of spherical particles of Fe-based metallic glass alloy; and

sintering said spherical particles by a spark plasma sintering process under the conditions that: a heating rate is set at 40 K/min or more; a sintering temperature (T) is set at 573 K or more and within a temperature range satisfying a relationship of $T \geq T_x$, wherein T_x is a crystallization temperature; and a sintering pressure is set at 200 MPa or more.

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

4. The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

7. In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to

be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (571) 272-1249. The examiner can normally be reached on T-F (7:30-5:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Sheehan/
Primary Examiner, Art Unit 1793

JPS